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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,871	02/14/2002	Yasushi Yamazaki	111935	6346
25944	7590	11/19/2003	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			CHOWDHURY, TARIPUR RASHID	
			ART UNIT	PAPER NUMBER
			2871	

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,871

Applicant(s)

YAMAZAKI ET AL.

Examiner

Tarifur R Chowdhury

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1,3-9,16-22,27 and 28 is/are allowed.
- 6) ☒ Claim(s) 2,10,15,23 and 26 is/are rejected.
- 7) ☐ Claim(s) 11-14,24 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Election/Restrictions

1. Applicant's argument regarding the restriction requirement is persuasive and thus the restriction requirement is hereby withdrawn and all the claims are examined on the merits.

Status of the claims

2. Claims 1-28 are pending.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Katsuya et al., (Katsuya), USPAT 6,507,381.

3. Katsuya discloses (col. 4, lines 59-67; col. 5, lines 1-20, 50-67; col. 6, lines 1-22, 55-68; col. 8, lines 50-60; col. 9, lines 59-64; col. 12, lines 7-17; col. 13, lines 14-20) and shows in Figs. 2, 3, 4(a), 4(b) and 6-8, an active matrix liquid crystal display in which a liquid crystal layer (17) is held between an active matrix substrate (11b) and an opposite substrate (11a), comprising:

- a first group of pixel electrodes (14) that are aligned in a prescribed direction on the active matrix substrate and that are supplied with picture signals of a first polarity (+) (Fig. 6);
- a second group of pixel electrodes (14) that are aligned to adjoin with the first group of pixel electrodes respectively and that are supplied with picture signals of a second polarity (-) (Fig. 6) ; and
- an orientation film (12b) that is formed on a surface of the active matrix substrate by effecting an orientation process in a prescribed orientation direction along alignment directions of the first and second group of pixel electrodes (especially in col. 5, lines 60-65; Figs. 4(a)-4(b)).

Accordingly, claim 2 is anticipated.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 10, 15, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuya.

Katsuya also discloses that the liquid crystal molecules (17a) contained in the liquid crystal layer are subjected to prescribed orientation in a non-power mode in such a way that a first pre-tilt angle, which ranges from 3°-10° (overlaps the claimed range) (In re Malagari, 499 F.2D 1297, 182 USPQ 549 (CCPA 1974), imparted to liquid crystal molecules lying in proximity to the active matrix substrate becomes larger than a second pre-tilt angle imparted to liquid crystal molecules lying in proximity to the opposite substrate (col. 6, lines 48-68; Fig. 1(b)

As to using the active matrix liquid crystal display of Katsuya in an electronic device is considered as intended use and thus would have been obvious.

As to claim 10, the only difference between Katsuya and instant invention is that the liquid crystal layer having a positive dielectric anisotropy. However, it is common and known in the art to use liquid crystal layer having positive dielectric anisotropy for several reasons such as to increase contrast ratio and thus obtain a clear image and thus would have been obvious.

Accordingly, claims 10 and 23 would have been obvious.

As to claims 15 and 26, Katsuya further discloses a projection type liquid crystal display comprising a light modulator for modulating light to be projected onto a screen by the active matrix liquid crystal display (col. 12, lines 7-16).

Allowable Subject Matter

7. Claims 1, 3-9, 16-22, 27 and 28 are allowed.
8. Claims 11-14, 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

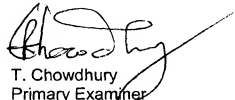
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tarifur R Chowdhury whose telephone number is (703) 308-4115. The examiner can normally be reached on M-Th (6:30-5:00) Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (703) 305-3492. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.



T. Chowdhury
Primary Examiner
Technology Center 2800

TRC
November 12, 2003